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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,146	09/20/2002	Nobuyoshi Niina	20.2788	2766

23718 7590 06/30/2004

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EXAMINER

PATIDAR, JAY M

ART UNIT	PAPER NUMBER
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2862

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,146

Applicant(s)

NIINA, NOBUYOSHI

Examiner

Jay M. Patidar

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This communication is in response to applicant's amendment received on March 24, 2004.

2. The disclosure is objected to because of the following informalities:

The phrase "2 gauss" in paragraph 0026 on page 6 should be appropriately written;

the reference numeral "40" at line 1 in paragraph 0036 on page 9 is duplicate (see figs. 9 and 10) and is not found in fig. 10;

the non-articulated art as set forth in claim 1,11 is not in the specification.

Appropriate correction is required.

3. Claims 7 and 18 are objected to because of the following informalities:

In claim 7, it is unclear as to what is meant by both sensors are at the same location.

Appropriate correction is required.

4. The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Goetz et al. (US 6,674,280).

As to claim 23, Goetz discloses a displacement measuring method comprising: generating a magnetic field using a magnetic field source 12; measuring a first magnitude of magnetic field using a first sensor 22 disposed within the magnetic field; displacing the magnetic field source; measuring a second magnitude of the magnetic field using a second sensor 22 disposed within the magnetic field; determining a position that the magnetic field source is displaced using the magnitudes of the magnetic field (Note figs. 1-2,6A).

As to claim 24, the distance traveled by the magnet 12 or its position can be calculated from the magnitude of the magnetic field measured by the sensors 22.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-13,15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU 1574804 in view of Goetz.

As to claims 1,2,4,6,11-12, '804 discloses an apparatus for measuring a radius of a hole, comprising: a support member 1 having at least one non-articulated arm 2, each at least one arm having a first end and a second end, the first end rigidly attached to the support member 1 (Note fig. 1); a magnet 3 moveably attached to the support member via the second end of each at least one arm; a first magnetic sensor 8 fixed to the support member for measuring a magnetic field of the magnet. '804 fails to show a second magnetic field sensor. Goetz teaches to use a plurality of sensors to measure the magnitude of the magnetic field generated by the magnet. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of '804 to use two magnetic field sensors as shown in Goetz to precisely measure the position of the magnet.

As to claims 3,8,13, the sensors in Goetz is magnetoresistive sensors.

As to claim 7, the measurement of any component of the magnetic field using MRs would be within the level of ordinary skilled in the art.

As to claims 9-10, the use of a magnetic field sensor for measuring earth's magnetic field is very known in the art to determine the orientation of the object.

As to claims 15-22, the use of a protective housing for any element of the apparatus is obvious to artisan since the apparatus is used in the rough environment.

6. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay M. Patidar whose telephone number is 571-272-2265. The examiner can normally be reached on M-Thur 7:00-5:30.

The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 2862

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A handwritten signature in black ink, appearing to read "Jay M. Patidar".

Jay M. Patidar
Primary Examiner
Art Unit 2862

June 28, 2004